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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MATTHEW SCOTT, an Individual by
and through his Guardian Ad Litem,
MARY RODGERS-VEY, and OMAR
MOJICA, an Individual by and through
his Guardian Ad Litem, ADRIAN
MOJICA, on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

CALIFORNIA FORENSIC
MEDICAL GROUP; et al.,
Defendants.

Case No. 16-03084-BRO-RAO

DISCOVERY MATTER

**PLAINTIFFS' DISCOVERY
STATUS CONFERENCE
STATEMENT BEFORE
HONORABLE ROZELLA A.
OLIVER SET FOR MARCH 13,
2019**

Date: March 13, 2019
Time: 11:30 a.m.
Courtroom: 590

**PLAINTIFFS' STATUS CONFERENCE STATEMENT BEFORE
HONORABLE ROZELLA A. OLIVER SET FOR MARCH 13, 2019**

1
2 Plaintiffs submit the following status conference statement for the March 13,
3 2019 conference concerning the status of (1) the process of providing notice; (2)
4 the status of other pending discovery, including database discovery; and (3) the
5 status of the meet and confer efforts on the subpoenas served on the Ventura
6 County Sheriff's Office and the Ventura County Public Defender's Office.

7 **1. Status of Process of Providing Notice to the Putative Class Members.**

8 Plaintiffs' counsel has issued notice to all class members for whom they
9 have addresses. Plaintiffs counsel has provided a report to defense counsel listing
10 the class members to whom notice has been sent, the address(es) to which the
11 notice was sent, and whether any authorization has been received (with copies of
12 the authorizations). Plaintiffs' counsel will continue to provide such reports on a
13 monthly basis.

14 **2. Status of Other Pending Discovery, Including Database Discovery.**

15 Discovery continues to progress. On March 12, 2019, DSH responded to
16 Plaintiffs February 7th request for follow-up information regarding DSH databases
17 used to track pending admissions. DSH offered to schedule a follow-up
18 teleconference to address record-keeping for DSH pre-admission data at Patton. It
19 is anticipated that the follow-up teleconference will occur within the next month.
20

21 Since November 2018, Plaintiffs and State-Defendants have been working to
22 negotiate a mutually acceptable plan for ESI production. It is Plaintiffs'
23 understanding that responsive emails will be produced within several weeks
24 (though Plaintiffs have not received an estimated production date). Plaintiffs will
25 need several weeks to review the ESI production before taking depositions.
26
27
28

1 **3. Status of Meet and Confer Efforts on Subpoenas Served on the Ventura**
 2 **County Sheriff's Office.**

3 On October 17, 2018, Plaintiffs served a subpoena for documents on the
 4 Ventura County Sheriff's Office ("VCSO"). On November 7, 2018, VCSO served
 5 objections to the subpoena and produced a list of detainees who had been
 6 transported to DSH between April 2016 and May 2018. The list did not contain the
 7 ISTs' names or identifying information. On February 14, 2019, Plaintiffs' counsel
 8 requested to meet and confer with VCSO regarding VCSO's response.

9 On March 11, 2019, counsel for VCSO and Plaintiffs met-and-conferred.
 10 VCSO agreed to produce an unredacted version of the IST detainee transfer list.
 11 VCSO also agreed to produce last known contact information, including telephone
 12 numbers and addresses for each IST detainee on the transfer list.¹ VCSO further
 13 agreed to produce booking and release dates, as well as the dates that the detainees
 14 were re-booked after receiving restorative treatment. Plaintiffs' counsel has
 15 requested that VCSO agree to produce last known contact information for any
 16 additional class members (those not on the transfer list) that have been identified
 17 by DSH. Plaintiffs' counsel expects a response this week.

18 Counsel for VCSO estimates that the production of the documents listed
 19 above would take approximately 16 hours at an hourly rate of \$42, for a total of
 20 \$642. Plaintiffs' counsel will agree to pay up to this amount to offset the burden of
 21 production, but will require an itemized bill since it is not clear that 16 hours is
 22 needed for what appears to be database report.

23
 24
 25
 26 ¹ VCSO will not agree to disclose emergency contacts for ISTs that were in its custody.
 27 Plaintiffs counsel will review the preliminary production of contact information and
 28 decide whether it is necessary to seek judicial intervention regarding emergency contact
 information.

4. Status of Meet and Confer Efforts on Subpoenas Served on the Ventura County Public Defender's Office.

On October 17, 2018, Plaintiffs served a subpoena for documents on the Ventura County Public Defender's Office. Plaintiff communicated with Assistant Public Defender Michael McMahon and advised him that Plaintiff was seeking voluntary compliance for the clearly unprivileged material sought in the subpoena and would be available to meet and confer regarding any items for which a privilege was claimed. After several voicemails from Plaintiff seeking a status update regarding the subpoena, Mr. McMahon referred the issue to Ventura County Counsel on or about February 26, 2019 for consultation regarding compliance with the subpoena. Plaintiff attempted to determine which County Counsel was assigned to the matter and was ultimately informed that County Counsel would not be representing the Public Defender. Plaintiffs are in the process of determining whether the information available from VCSO is sufficient or if further effort to obtain data from the Public Defender's Office will be needed.

Dated: March 12, 2019

LAW OFFICES OF BRIAN A. VOGEL, PC

By: /s/ Brian A. Vogel

Brian A. Vogel

Dated: March 12, 2019

KAYE, McLANE, BEDNARSKI & LITT, LLP

By: /s/ Barrett S. Litt

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